IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 691 OF 2007

in

CRIMINAL APPEAL NO. 411 OF 2006

Vinod Asha Kale ... Applicant
(Orig.Accused No.3)

Vs.

The State of Maharashtra ... Respondents

Ms. Anjali Patil, Advocate, for the applicant.
Ms.S.V.Gajre, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE : 26th June, 2007.

P.C.

1. Heard Ms. Anjali Patil, Counsel for the applicant and Mrs. Gajre, APP, for the State.

2. The applicant, who is accused No.3, was convicted for the offences punishable under Sections 120-B,307, 395 read with Section 397 of I.P.C. and was sentenced to under R.I. for seven years and to pay fine of Rs.1,000/- on each count. The applicant has

preferred this application for bail on the principle of parity as some of the accused who are similarly situated have been granted bail by this Court. Accused Nos. 5 and 6 against whom the offence was almost similar as against the present applicant, were granted bail on 12th December, 2006 in Criminal Application No.992 of 2006 mainly on the ground that the substantive sentence is R.I. for seven years and the accused were in jail for a period of four years. Thereafter, accused No.1, was also granted bail by the order dated 15.3.2007 on the principle of parity. It appears that the present applicant was in custody from 21.5.2001 to September, 2005 i.e. for a period of four years and four months before trial and thereafter he is taken in custody on 28.2.2006 i.e. the date on which he was convicted and sentenced. Thus, he has been actually in jail for 5 years and 8 months. In my opinion, on the principle of parity, the present Applicant is entitled to be released on bail.

3. The applicant be released on bail on the same terms and conditions as before the trial Court subject to his depositing the fine amount.

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(J.H.BHATIA,J.)